

Historical Background of Karnataka legislature:

KARNATAKA LEGISLATIVE ASSEMBLY

The erstwhile princely state of Mysore under the rule of enlightened Wodeyar's was a progressive state and was harbinger of democratic Governance. The association of people with the administration of the state in an elementary form was started in the eighties of the 19th century. In March 1881 his Highness the Maharaja Sri Chamarajendra Wadiyar assumed powers of the State. The Mysore Representative Assembly was inaugurated in the same year.

The establishment of a deliberative Assembly proposed by the Chief Commissioner of Mysore Mr. J.D. Gordon in 1879 as one of the conditions for transfer of Mysore to the Maharaja was not favoured by the then Government of India. The Chief Commissioner had suggested the formation of deliberative Assembly composed of eminent retired officials, representative of various sections and interests of the people. The Government of India did not favour the constitution of an Assembly as it felt that a deliberative Assembly, with no specific legislative, financial or executive authority possessing only the power of recording opinions which need not be accepted tended, to fall out of repute or develop into greater activity and influence than that might have been originally contemplated. The Viceroy while writing to the Secretary to the State, observed that it might be premature to introduce in the beginning an institution which had not yet been tried in British India.

However, an order for the constitution of the Assembly was issued by the Maharaja on 25th August 1881. The order stated that His Highness the Maharaja was desirous that the views and objects which his Government had in view in the measures adopted for the administration of the province should be better known

and appreciated by the people for whose benefit they were intended and that he was of opinion that a beginning towards the attainment of this object might be made by an annual meeting of the representative landholders and merchants from all parts of the Province.

This may be regarded as the Magnacarta of the people of Mysore. It declared for the first time in the whole of the India that it is the duty of Government to set itself right in the eyes of its people. It recognized that it is necessary for a Government to convince the public about the worthiness of its motives and the soundness of its policies. In other words it is clear admission of the principle that a Government should submit itself to judgement and therefore to the guidance of its citizens.

The Representative Assembly met for the first time on 7th October 1881. At the inception it was an Assembly of the representative landholders and merchants from all parts of the province and these were to be selected (1) by the Local Fund Boards from among themselves and others of the district the persons who were to represent them; (2) from each taluk one or two cultivating holders possessed of general information and influence among the people and (3) three or four leading merchants for each district generally, the attendance at the meeting was voluntary. In 1891 the principle of election was introduced. Persons paying certain revenue or mohatarfa which differed from Taluk to Taluk owners of alienated villages with certain beriz and graduates of Indian University were eligible for voting and for becoming members. The number for each taluk was fixed. The persons qualified under the rules were to meet annually in each taluk and elect from among themselves the number of members allotted to that taluk. The Municipalities and Associations were also allowed to depute representatives. The thinking was so progressive even then that voting right had been given to all those who attained the age of 18 and they could also become members of the Associations, were also to depute representatives. Everyone who had attained the age of 18 could be a voter or become a member. However, the age of a

candidate was raised to 21 in 1924 and to 25 in 1940. In 1894 some more alterations were made. Only Municipalities with a population of 5,000 and more were permitted to send representatives. To enlarge the electorate the qualification for voters was fixed at half the land revenue of what was fixed for candidates. Graduates without property qualifications were not allowed to become member. The term of taluk member was fixed at three years and for others one year. In 1918 the disparity in the property qualifications for franchise in different taluks was abolished and uniform rate was prescribed for all taluks. The rate was also reduced. The distinction between the qualification for voting and membership was abolished. In 1919 larger representation was given to Municipalities and the term of office of these members and others whose term was only one year was raised to three years. The Regulation of 1923 fixed the term of the Assembly as three years.

In 1932 the seats in Taluks were readjusted on the basis of population. The system of proportional representation was introduced in 1932 for the election of members from the City Constituencies of Bangalore and Mysore. In 1935 the election of the members of the Assembly to the Legislative Council was discontinued as it was considered unnecessary to make a person member of two Houses.

The Representative Assembly which was constituted in 1881 by an Executive Order continued to function till 1923 when a Regulation was promulgated by the Maharaja under which the Assembly was given a statutory status.

The members of the Assembly were not initially invested with any recognised powers of privileges. But they were not passive listeners of the Dewan's speech. They made observations and suggestions in public interest which met with every consideration. They made useful contribution to the country by watching the

working of the administration in all branches and brought to notice the defects and shortcomings.

Members did not have any limitations as to the range of subjects to be discussed. Inquiries were made of all sorts of things from the tenure of the Dewan's Office and the Constitutions of the Council to the mirasi huq of toti and throwing of a dam across a jungle stream of rain water.

The Assembly did not possess the power of voting. Members were representing that every proposed measure of Legislation should in the first instance be placed before the Assembly and its opinion taken thereon. The Government would not bind themselves though they were consulting on all important matters of Legislation. The main feature of the representative Assembly was representation to the Government by members.

Members had been urging from the early nineties of the last Century that a Member of the Assembly should be nominated to the Maharaja's Council. It was only in 1940 the Government agreed for such participation. The Government of Mysore Act, 1940, provided for the Constitution of a Council of Ministers to which the Maharaja would appoint two elected members, one from the Assembly and another from the Legislative Council.

The Dewan, and in his absence the Members of the Executive Council used to preside at the meetings of both the Representative Assembly and the Legislative Council. In 1940, Legislative Council was enabled to elect its own President and Vice-President from among its members to preside at its meeting. But in the case of the Assembly this right was not conceded. The Dewan and in his absence the Members of the Executive Council continued to preside on the ground a Non-official president being merely an Officer of the House and having no connection

with administration, would not be in the same advantageous position to deal with Representation as the Members of the Administration.

KARNATAKA LEGISLATIVE COUNCIL

The Legislative Council was established in 1907 with a view to associate with the Government a certain number of non-officials qualified by practical experience and knowledge of local conditions and requirements to assist Government in making Laws and Regulations. In addition to the Dewan, President and the Members of Council, who were ex-office members, the Council was to consist of not less than 10 and not more than 15 additional members to be nominated by the Government and of this number not less than two-fifths were required to be non-officials. The minimum and the maximum were increased gradually and in 1923 the strength of the Council was fixed at 50 and of these the number of non-official members was fixed at not less than 60 percent so as to ensure a decided non-official majority. Special interests like the Mysore University, Commerce and Trade, Planters and Labour were given representation. Seats for the Muslims, Christians and depressed classes were reserved and the Government nominated them if they were not elected. The strength of the Council was further increased in 1940.

Though the Council was started to make Laws, other functions were assigned to it in course of time. No measure could be introduced without the previous sanction in writing of the Dewan and the leave of the House duly obtained. Certain subjects were excluded from the purview of the Council and only Government could frame Law on such subjects. When there was urgency, Government themselves could enact Laws which would be in force for six months.

Interpellations are allowed to be put in the Council from 1914 onwards. In 1915, members were allowed to put supplementary questions.

The Council was empowered in 1914 to discuss the budget and in 1923 it was given power to vote on the demands for grants. They could move cut motions. It is noteworthy to find that certain items of expenditure which were non-votable in British India were made votable items in the province. Resolutions were discussed in the Council from 1919 onwards.

In 1923, it was enacted that the Council will not have power to amend the Representative Assembly Regulation and the Legislative Council Regulations. The term of the members of the Council was made three years in 1917 and four years in 1940.

The 1940 Government of Mysore Act conferred certain privileges to the member. Freedom of speech in the Representative Assembly and the Legislative Council was conferred on the members. The provisions were similar to the provisions in the Government of India Act 1935.

The inauguration of the Assembly was hailed throughout India as a very progressive and beneficial measure. One Nationalist Weekly, "The Mahratta", writing Eleven years after the establishment of the Assembly went so far as to say that "The British Government might do well to take a lesson from the enlightened Maharaja of Mysore". The institution was, however regarded by some as premature; but, as observed by Sir K. Seshadri Iyer, "the continued interest which the members evinced in Public Affairs and the practical commonsense which characterised the discussions had served to refute the assumption that the institute was in advance of the times".

After Independence, the Maharaja of Mysore by a Proclamation dated 29th October 1947 set up a Constituent Assembly to frame the Constitution for Mysore State. When the Constituent Assembly met, majority of the members pleaded for

governance of the State by the Constitution to be framed by the Constituent Assembly of India, though strong views were expressed by a few in favour of a separate Constitution for Mysore State. Ultimately the majority view prevailed and the Constituent Assembly passed a Resolution that the Constitution framed by the Constituent Assembly of India should be made applicable to Mysore State. The Maharaja issued a proclamation on 25th November 1949, consequently the Representative Assembly and the Legislative Council was dissolved on 16th December 1949; the Constituent Assembly which has been constituted in 1947 became the provisional Assembly of Mysore until the Elections could be held under the Constitution.

The first Assembly under the Constitution was constituted in 1952 and composed of 99 elected members and one nominated member. With the formation of Andhra State in 1953, parts or adjoining Bellary District from Madras State were added to Mysore State and the Strength of the Assembly increased by five members.

The State were Reorganised in 1956 on linguistic basis. As a result New State of Mysore came into being on 1st November 1956 with four districts from the former Bombay State, three districts of Hyderabad State, a district and a taluk of the Old Madras State, the State of Coorg and the princely State of Mysore. The State was renamed as Karnataka in 1973.

The Legislature of Karnataka consists of two House, the Legislative Assembly and the Legislative Council. The first sitting of the New Assembly was held on 19th December 1956 in the newly built Vidhana Soudha. The strength of the Assembly which was 208 in 1957 increased to 216 in 1967 and to 224 in 1978. The Assembly is now composed of 224 elected members and one nominated member.

The strength of the Legislative Council which was 63 in 1957 increased to 75 in 1987. The Council is now composed of 75 members out of whom 25 are elected by Legislative Assembly members, 25 are elected by Local Authorities. 7 are elected by Graduates and by the Teacher's and 11 members are nominated by the Governor of Karnataka.